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Attachment # 4
Page 1 of 4

August 11, 2004

Herbert A. Thiele, Esq.
Leon County Attorney
301 S. Monroe Street, Ste. 202
Tallahassee, FL 32301

RECEIVED
04 AUG 16 AM 11:58
LEON COUNTY
ATTORNEY'S OFFICE

Re: Killearn Lakes Plantation Moratorium

Dear Mr. Theile:

I read the attached news article regarding the County's proposal to impose a moratorium on new development in Killearn Lakes Plantation. I have both a home and an additional lot in Unit 1 of Killearn Lakes, and I am intending to develop the vacant lot through the construction of a new home in the near future.

I was not present at the meeting of the Commission, but apparently you advised Commissioners that there would be a chance of litigation if a moratorium is imposed without the design and installation of a sewer system.

Please advise your clients that I will file a lawsuit against the County if a moratorium is imposed for two years, and a sewer system is not designed and installed within that same two year period. It is ludicrous for the County to expect any person to hold their property for two more years, and then be in the same situation at the expiration of the moratorium as we are in today.

As a member of the Killearn Lakes Plantation HOA, I will strongly recommend the Association assist in funding at least a part of the design and installation of a sewer system, whether it is through Talquin or the City. However, I will not sit idly by and allow the County to stop me from developing my property, based upon a future promise of an unfunded sewer system. With the problems faced by this community, it is most appropriate for the County to immediately resolve the problem through Blueprint 2000 funds. I realize we are closer to the Georgia line than we are to the Leon County Courthouse, but we are citizens of the County.

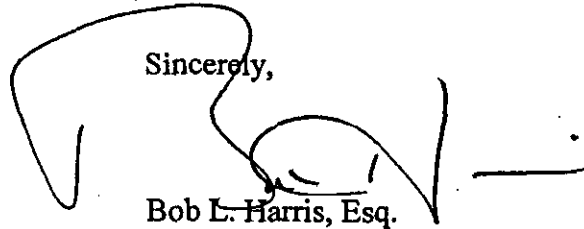
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Herbert A. Thiele, Esq.
August 11, 2004
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Again, please advise your clients that a lawsuit will be filed if the moratorium is imposed and no sewer system is in place upon the expiration of the moratorium.

If necessary, I will appear before the Commission at the next meeting, scheduled for September 14, 2004. Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bob L. Harris', followed by a horizontal line.

Bob L. Harris, Esq.

BLH:dle

cc: Honorable Bill Proctor
Honorable Jane G. Sauls
Honorable Dan Winchester
Honorable Tony Grippa
Honorable Bob Rackleff
Honorable Cliff Thael
Honorable Rudy Maloy
Mr. Parwez Alam
Mr. Brad Trotman, ED, KLHOA

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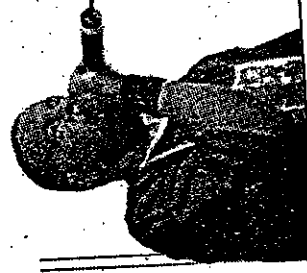
... CHATTING WITH THE CHEF

Keith Baxter of Kool Beanz shares some of his inspirations, recipes

Food & Dining 1D

NEW LIBRARY

County OKs land swap clearing the way for larger Lake Jackson branch **Local & State 1B**



MTV MOVES

Jay-Z gets six no his jarring '99 P

TALLAHASSEE DEMOCRAT

Wednesday, July 28, 2004

WWW.TALLAHASSEE.COM

County mulls moratorium

The problem is septic tanks in Killearn Lakes

By Jeff Burlew

DEMOCRAT STAFF WRITER

Leon County commissioners are moving toward a moratorium on new development for two Killearn Lakes subdivisions despite concerns it could lead to lawsuits by property owners.

Tuesday, commissioners held their first public hearing on the proposed moratorium, which would affect vacant lots in Units 1 and 2 of the northeast development. They unanimously voted to

WHAT'S NEXT

County commissioners will have a public hearing on the construction moratorium Sept. 14.

schedule another public hearing on the moratorium for Sept. 14, when the commission next meets.

About a third of the 1,400 homes in the two subdivisions have experienced failing septic tanks, which has led to backed-up

sanitary sewer system is built and available for homeowners.

But there's a possible legal snag. County Attorney Herb Thiele warned commissioners the county could face lawsuits if it doesn't design and install a sewer system within two years, which he said is the maximum amount of time the moratorium could be in place.

Thiele said two years isn't enough time to design and install sewers. And he said even if it was, Talquin Electric doesn't have

enough time to design and install sewers. And he said even if it was, Talquin Electric doesn't have

Please see **COUNTY** 2 of 4

Attachment # 4

of 4

Ranks. pencils. papers, pagers



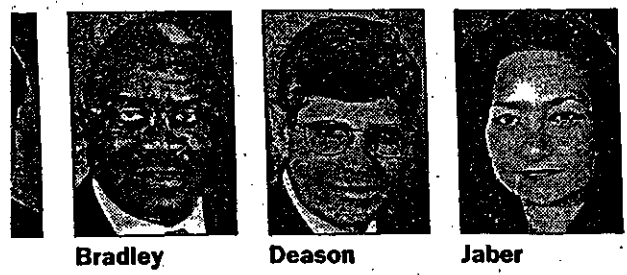
RON EDMC
Senate candidate
gives the key
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Bradley Deason Jaber

gift worth more than \$100 from a lobbyist, and Commission on Ethics found no probable cause that the four PSC commissioners violated that law. the PSC is bound by a separate state law forbidding any gifts from those it regulates.

For public officials, those brief lapses can destroy career, but the same lapses actually enhance the career of lobbyists perceived to have pulled off the deal of the century," said Lee, musing that a two-year ban on lobbying might get the attention of lobbyists trying to tempt public officials to bend the rules.

Working with Lee will be Sen. Nancy Argenziano, Dunnellon. She's concerned that utility and telephone companies may be using loopholes in the PSC's law.

"When citizen distrust of the PSC is at an all-time high, this is not a good thing," Argenziano said.

It was a former state board member of Commerce, Lloyd Brumfield, who brought the complaint against PSC commissioners.

"It's an encouraging and welcome fact that there will be an investigation to determine whether this practice is legal," said Ben Wilcox, executive director of the watchdog group. "It's basically schmoozing between PSC commissioners and utility executives. The schmoozing creates a whole culture at the PSC where utilities are able to gain more access and influence."

■ Contact senior writer Diane Hirth at (850) 671-6546 or dhirth@tallahassee.com.

CONDUCT

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problems during emergencies.

"The concern that we have is if there's an emergency at school, kids might call parents to come get them when the safest thing is to transport them to another site for parent pickup," Croteau said. "Or if you've got a school locked down, you don't want additional people on campus."

Other potential problems include students using the text-messaging features of some cell phones to cheat on exams and using cell phones with cameras to take inappropriate photographs, according to school administrators and news reports.

Generally, Leon County

COUNTY

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enough capacity to treat the extra waste. He added that the city of Tallahassee likely wouldn't provide sewer service unless the subdivisions were annexed into the city.

Under those circumstances, Thiele said, a moratorium "would be a serious, serious problem." If the sewers weren't ready by the time the moratorium expired, property owners could sue the county for damages.

The county is in the midst of designing a sewer system for the two subdivisions. But a timeline shows construction wouldn't be complete until May 2007.

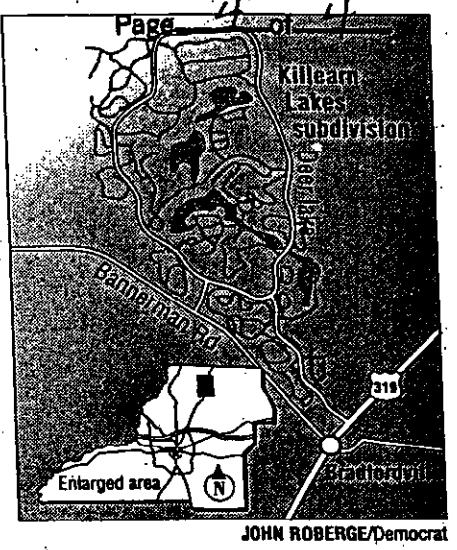
Some commissioners suggested health concerns over sewage should trump legal worries. Testing of water bodies in the subdivisions by McGlynn Laboratories showed fecal counts were 28 times higher than the amount needed for a "poor" rating by the Florida Department of Health.

However, the county Health Department, in a response to the McGlynn study, wrote that health hazards associated with the pollutants are similar to what would be expected in any such densely populated area. The department advised further study.

McGlynn told commissioners during the meeting that the level of pollutants was unusually high around the subdivisions, which drain into Lake Iamonia.

"We never find this level in our lakes," he said.

Commissioners Tony Grippa



and Bill Proctor said the situation has been studied enough. Commissioner Bob Rackleff said he supports a moratorium but wouldn't mind seeing further study.

Grippa has proposed using \$5 million in Blueprint 2000 money to pay for sewer service. Blueprint 2000 funnels sales-tax proceeds into improvements for roads, parks and greenways.

Brad Trotman, executive director of the Killearn Lakes Homeowners Association, said homeowners, the county and a utility provider also could share the cost of extending sewers. He said grant money could help pay for the project.

If a moratorium were approved, it wouldn't be the first time for the subdivisions. Circuit Judge Kevin Davey in 1996 imposed a two-year moratorium on development in Bradfordville where Killearn Lakes is located. He lifted the building ban after the county enacted new growth ordinances.

■ Contact reporter Jeff Burlew at (850) 599-2180 or jburlew@tallahassee.com

White House predicting a record for red ink this year

By Alan Fram
 THE ASSOCIATED PRESS

WASHINGTON — The White House will project soon that this year's federal deficit will exceed

the projected shortfall would close to \$450 billion, though or said it would be about \$41 billion.

Either way, the White House